

UNITED STATES PRETRIAL SERVICES AGENCY
Eastern District of New York

ADF

MEMORANDUM

DATE: May 4, 2006

TO: The Honorable Frederic Block
Senior United States District Judge

RE: CONZA, John Vito
Dkt. No.: 06-CR-142
Notice of Bail Release Violations

The above-named defendant is presently the subject of a case pending before Your Honor. On February 9, 2006, the defendant was arrested by United States Secret Service Agents and charged with Conspiracy to Defraud the United States and Deal in Counterfeit Securities, in violation of 18 USC 473 and 371. Later that same day, he was arraigned on these charges before United States Magistrate Judge Steven M. Gold and released on a \$50,000 cosigned bond with conditions of weekly reporting to Pretrial Services as directed, random home and employment visits by Pretrial Services, random drug testing and/or treatment, no contact with co-defendant Ricky Kessler and Scott Vasquez, maintain residence with his grandmother in Howard Beach, New York, no passport applications and travel restricted to the Eastern and Southern Districts of New York. The defendant was indicted on the charges against him on March 6, 2006.

The purpose of this memorandum is to notify the Court of the defendant's violations of his bail release conditions since his February 9, 2006 release. Specifically, the defendant has tested positive for cocaine use on February 22, 2006 and April 5, 2006. In addition, the defendant also tested positive for morphine use on February 22, and March 15, 2006. When confronted with these positive drug test results, the defendant stated that he has not used cocaine for ten years and blamed the morphine results on his use of the pain reliever, Vicadin, for which he had a prescription. Pretrial Services contacted Scientific Testing Laboratories, Richmond, Virginia, and lab scientists corroborated the defendant's cocaine use and informed that the use of Vicadin does not result in positive morphine results. The lab scientists did reveal that positive morphine results could come from the defendant's use of heroin, which he has previously admitted using since 2005. The defendant represented that he is opposed to attending drug treatment as it might interfere with his employment. It should be noted that the defendant did test negative for illicit drug use on March 3, 2006 and April 19, 2006.

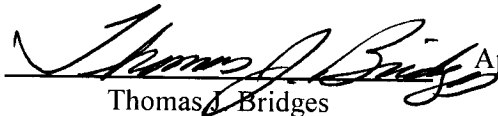
In addition to the defendant's use of illicit drugs, he violated the special condition of no contact or association with his co-defendant, Rick Kessler. On May 3, 2006, Pretrial Services officers conducted a random home visit of co-defendant Kessler's residence in Howard Beach, New York and found the defendant to be in his company. When the defendant was questioned if he was permitted to have contact with a co-defendant in the instant offense, he misrepresented information to the Pretrial Services officers stating that the condition of no association was initially ordered at the time of release, but the Court subsequently permitted their contact at a later date. The defendant then got into co-defendant Kessler's vehicle and they drove off together. Pretrial Services contacted AUSA Jason Jones, in regard to the defendant's statement and he recalled no bond modification of the defendant's special condition of no contact or association with co-defendant Rick Kessler. It should be noted that at the time of the aforementioned home contact (3:30 p.m.), the defendant left a voice mail message at

the Pretrial office indicating that he was home that day as he took off from work because of a stomach ailment and was unable to report in-person this afternoon.

Aside from the defendant's inability to report in-person on May 3, 2006, he has generally reported to Pretrial Services on a regular basis. The defendant's residence in Howard Beach, New York, has been verified by a Pretrial Services random home visit on March 21, 2006, as well as by telephone calls and billing statements. His employment at Millennium Maintenance, Brooklyn, New York, has been corroborated by pay stubs and telephone calls. NCIC and local record checks have revealed no new arrests for the defendant.

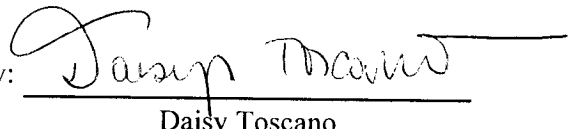
Given the above information, it is apparent that the defendant has violated his conditions of release by using illicit drugs and having contact with his co-defendant, Rick Kessler. In addition, the defendant has lied to Pretrial Services regarding his drug use and Court's reported modification of his bail conditions to permit his contact and association with his co-defendant. Pretrial Services respectfully requests a bail violation hearing to address the defendant's noncompliance. Pretrial Services contacted AUSA Jason Jones and he is in agreement with our request. Pretrial Services also notified Defense Counsel Kenneth Paul's office of the defendant's noncompliance and request for a bail violation hearing.

Prepared by:


Thomas A. Bridges

U.S. Pretrial Services Officer

Approved by:


Daisy Toscano

Supervising Pretrial Services Officer

*Request for bail
violation hearing
Granted
SP ORDERED*

*CSDJ /
May 19, 2006*

cc: Jason Jones, ASA

Kenneth Paul, Defense Counsel